

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ROBERT WARD,

ORDER

Plaintiff,

16-cv-608-bbc

v.

DANE KIRK,

Defendant.

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In an order entered on January 6, 2017, this court dismissed plaintiff Robert Ward's complaint because it failed to provide notice of his claims, as required by Fed. R. Civ. P. 8, and gave him until January 27, 2017 to file an amended complaint. The court told plaintiff that if he did not respond by January 27, his case would be dismissed for failure to state a claim upon which relief may be granted and that he would be issued a strike in accordance with 28 U.S.C. § 1915(g). Paul v. Marberry, 658 F.3d 702, 705 (7th Cir. 2011) (when court orders plaintiff to correct complaint that violates Rule 8, and plaintiff fails to do so, "the proper ground of dismissal is not want of prosecution but failure to state a claim, one of the grounds in section 1915(g) for calling a strike against a prisoner plaintiff"). To date, plaintiff has not filed an amended complaint or otherwise responded to the court's January 6 order. Accordingly, this case will be dismissed for failure to state a claim upon which relief may be granted, and plaintiff will be given a strike.

ORDER

IT IS ORDERED that:

1. Plaintiff Robert Ward's complaint is DISMISSED for failure to state a claim upon which relief may be granted.
2. Plaintiff will be assessed a strike in accordance with 28 U.S.C. § 1915(g).
3. The clerk of court is directed to enter judgment in favor of defendant Dane Kirk and to close this case.

Entered this 14th day of March, 2017.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge